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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,240	04/09/2004	Noel C. Cobb	0075-1	1744

25901 7590 06/12/2007
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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,240

Applicant(s)

COBB ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,5,7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,5,7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4, 5, 7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seltzer, Jr. (5,174,028) in view of Joanis et al. (3,845,554) and Burchell (6,321,455)

In regards to claim 2, Seltzer, Jr. discloses the same invention including a reversible detachable blade having a sharp edge (16), a two-piece handle (22d and 30d in Figure 6A) for supporting the blade in a transversely angulated position (Figs. 6A and 7), the handle comprising a one-piece left side member (30d) and a one-piece right side member (22d), wherein the left side member is removably attached to the right side member to create the handle (Fig. 6A), the handle including a gripping portion (62) and a blade supporting portion (24d), the gripping portion is angulated with respect to the blade and the blade supporting portion (62 and Fig. 6A), a locating means disposed within the blade supporting portion for capturing the knife (inner portions of 22d and 30d), channel means disposed within the blade supporting portion for containing and supporting the blade in a vertical plane (Fig. 7), a clamping means for clamping the left and right side members and supporting the knife blade in a horizontal plane (20), a

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cavity for holding extra knife elements (36), the user may expose a fresh edge of the blade by replacing the blade with a new blade from the cavity (36).

However, Seltzer, Jr. fails to disclose the blade has a plurality of anchoring holes and the gripping portion is angulated with respect to the blade and the blade supporting portion when viewed in the plane defined by the blade.

Joanis et al. teaches that it is old and well known in the art of utility blades to incorporate a blade with a plurality of anchoring holes (34a and 34b). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Seltzer, Jr. with a blade featuring a plurality of anchoring holes to allow the user to set the blade in specific pre-determined positions and to prevent the blade from rotating when the users applies a torque force to the apparatus.

Burchell teaches that it is old and well known in the art of utility blades to incorporate the gripping portion is angulated with respect to the blade and the blade-supporting portion when viewed in the plane defined by the blade (66). Seltzer, Jr. discloses a gripping portion that moves but does not move out of the blade plane when view in a side view defined by the plane of the blade. Burchell teaches that it is old and well known to rotate that pivot 90 degrees to allow the gripping portion to move in and out of the blade plane. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Seltzer, Jr. with a gripping portion is angulated with respect to the blade and the blade-supporting portion when viewed in the plane defined by the blade, as taught by Burchell, to allow the user to use the blade in situations featuring areas similar to windshield removal.

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In regards to claims 4 and 5, Seltzer, Jr. in view of in view of Joanis et al. and Burchell discloses the angulation is from about 135° to about 150° (Fig. 2 in Burchell).

In regards to claim 7, Seltzer, Jr. in view of in view of Joanis et al. and Burchell discloses the locating means is attached to the right side member (inner portion of 22d in Seltzer, Jr.).

In regards to claim 9, Seltzer, Jr. in view of in view of Joanis et al. and Burchell discloses the channel is milled to a width that loosely fits the edges of the knife blade (Fig. 7 in Seltzer, Jr.).

In regards to claims 10-12, Seltzer, Jr. in view of in view of Joanis et al. and Burchell discloses the clamping means comprises at least one bolt (20 in Seltzer, Jr.), the at least one bolt is threaded to the thickness of the left side member (Fig. 7 in Seltzer, Jr.), and the at least one bolt is slidably fitted to the right side member (Fig. 6A in Seltzer, Jr.).

Response to Arguments

3. Applicant's arguments filed 16 March 2007 have been fully considered but they are not persuasive. Seltzer, Jr. does anticipate the two-piece handle limitation. Using Figure 6A, the portions labeled 22d and 30d when combined can be considered one piece. One item 22d is lifted up item 30d goes with it because it is of one-piece construction. Also, another interpretation is that the blade supporting portion of Seltzer, Jr. includes two "one-pieces" and due to the open language of "comprising" anticipates the claim. In regards to applicant's argument that Burchell cannot be combined with Seltzer, Jr. because one cannot change the principle operation of a reference. The

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principle operation of both Seltzer, Jr. and Burchell is cutting only. The fact that Burchell is intended to cut windshields is only that, an intended use. No matter what the blade is cutting the primary function is still cutting. Cutting is the primary operation of both Seltzer, Jr. and Burchell and this operation does not change when the two references are combined.

4. The examiner has come up with some language, with regards to the handle, that appears to overcome the current rejection. A first side member and a second side member that releasable combine to form a blade handle, each of the first and second side members incorporating a substantially V-shape thereby the handle has a substantially V-shape, wherein one leg of the V is a gripping portion and the other leg is a blade supporting portion.

The main objective that should be put into the claim is that each of the side portions (12, 14) have a substantially V-shape.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 8:00-5:30, Mon - (every other) Fri.

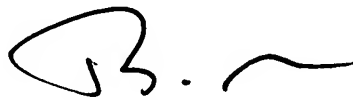
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 6, 2007



Patent Examiner
Jason Prone
Art Unit 3724
T.C. 3700



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER